

## **Remarks**

### **I. STATUS OF THE CLAIMS**

Claims 4-9 are currently pending in the subject patent application. By the present amendment, claims 1-3 and 9-10 have been cancelled without prejudice, and claim 4 has been amended. It is submitted that no new matter has been added to the subject application.

### **II. 35 USC §112 CLAIM REJECTIONS**

Claims 3-10 stand rejected under 35 U.S.C. §112, second paragraph because the examiner was unclear as to what was meant be the recitation "drives means being actuated identically." As mentioned above, claims 3 and 10 have been canceled without prejudice, thus this rejection is now moot with respect to these claims.

In regards to claims 4-9, independent claim 4 has been amended to state "the respective drive means is actuated identically for moving the envelope a predetermined distance with respect to each said respective drive means." Accordingly, it is submitted that independent claim 4 and its depending claims 5-9 are now in compliance with 35 U.S.C. §112, and thus removal of the subject rejection thereof is warranted.

### **III. 35 USC § 102 AND 103 CLAIM REJECTIONS**

In the July 1, 2004 Office Action, the claims were rejected as follows:

- A. Claims 1 and 11 were rejected under 35 USC §102(b) as being anticipated by U.S. Patent No. 4,119,482 to Bennett;
- B. Claims 1 and 11 were rejected under 35 USC §102(b) as being anticipated by U.S. Patent No. 4,935,078 to Bergman et al (the Bergamn patent);
- C. Claim 10 was rejected under 35 USC §10s(b) as being anticipated by U.S. Patent No. 5,511,357 to Ricketts et al. (the Ricketts patent);
- D. Claims 1, 2 and 11 were rejected under 35 U.S.C. §103 as being obvious over U.S. Patent No. 4,609,421 in view of the Bergman et al. patent.; and
- E. Claim 3 was rejected under 35 U.S.C. §103 as being obvious over the Ricketts et al. patent in view of U.S. Patent No. 5,415,068 to Marzullo.

With respect to above mentioned rejections, since each of the claims forming the basis of these rejections have been canceled without prejudice (namely, 1-3 and 11), these rejections are now moot and withdrawal thereof is warranted.

**IV. ALLOWABLE SUBJECT MATTER**

Claims 4-9 were indicated as being allowable if they were rewritten to overcome the outstanding 35 U.S.C. §112, second paragraph rejection applied thereto. As mentioned above, this rejection has been overcome by the present amendment to independent claim 4. Accordingly, it is respectfully submitted that independent claim 4, along with its depending claims 5-9, are now in condition for allowance.

**V. CONCLUSION**

In view of the foregoing amendments and remarks, it is respectfully submitted that the pending claims of this application (namely, 4-9) are in condition for allowance and favorable action thereon is requested. If the Examiner should have any questions, he is urged to contact the undersigned attorney.

Respectfully submitted,



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